Patent Docket No. P0718P2C1D1C1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Jardieu *et al.* Serial No.: Not yet assigned Filed: Herewith For: *Anti-Ige Antibodies (as amended)*	Group Art Unit: Not yet assigned Examiner: Not yet assigned
	CERTIFICATION UNDER 37 CFR 1.10 EL 809447945 US: Express Mail Number August 8, 2001. Date of Deposit I hereby certify that this Non-provisional Application Transmittal and the documents referred to as enclosed therein are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Box PATENT APPLICATION, Commissioner of Patents and Trademarks, Washington, DC 20231. Glory L. Tabuena

PRELIMINARY AMENDMENT

Box PATENT APPLICATION
Commissioner of Patents and Trademarks
Washington, DC 20231

Sir:

In the Specification:

Please delete the old title and replace it with the title below:

--ANTI-IGE ANTIBODIES--

Please replace the original specification and drawings with the revised specification and formal drawings.

In the claims:

Please cancel Claim 1 and add the following claims:

58. (New Claim). A humanized anti-IgE antibody comprising the variable heavy chain sequence and the variable light chain sequence of MAE11v1 (SEQ ID NOS: 8 and 9), wherein:

(a) at least one light chain Kabat residues 13, 19, 58, 78 or 104 has been modified; or

(b) at least one heavy chain Kabat residues 48, 49, 60, 61, 63, 67, 69, 82 or 82c has been modified.

59. (New Claim). The antibody of Claim 58 which is an IgG1 antibody.

60. (New Claim). The antibody of Claim 59, wherein heavy chain Kabat residue 60 has been modified.

61. (New Claim). The antibody of Claim 60, wherein residue 60 has been substituted with an amino acid residues selected from the group consisting of asparagine, glutamine, histidine, lysine and arginine.

62. (New Claim). The antibody of Claim 59, wherein heavy chain Kabat residue 61 has been modified.

63. (New Claim). The antibody of Claim 62, wherein residue 61 has been substituted with an amino acid residue selected from the group consisting of proline, glycine, alanine, valine, leucine and isoleucine.

64. (New Claim). The antibody of Claim 58, which is an IgG2 antibody.

65. (New Claim). The antibody of Claim 64, wherein heavy chain Kabat residue 60 has been modified.

66. (New Claim). The antibody of Claim 65, wherein residue 60 has been substituted with an amino acid residues selected from the group consisting of asparagine, glutamine, histidine, lysine and arginine.

67. (New Claim). The antibody of Claim 64, wherein heavy chain residue 61 has been modified.

68. (New Claim). The antibody of Claim 67, wherein residue 61 has been substituted with an amino acid residue selected from the group consisting of proline, glycine, alanine, valine, leucine and isoleucine.

69. (New Claim). The antibody of Claim 58 which is an IgG3 antibody.

70. (New Claim). The antibody of Claim 69, wherein heavy chain residue 60 has been modified.

71. (New Claim). The antibody of Claim 70 wherein residue 60 has been substituted with an amino acid residues selected from the group consisting of asparagine, glutamine, histidine, lysine and arginine.

72. (New Claim). The antibody of Claim 69, wherein heavy chain residue 61 has been modified.

73. (New Claim). The antibody of Claim 72, wherein residue 61 has been substituted with an amino acid residue selected from the group consisting of proline, glycine, alanine, valine, leucine and isoleucine.

74. (New Claim). The antibody of Claim 58 which is an IgG4 antibody.

75. (New Claim). The antibody of Claim 74, wherein heavy chain residue 60 has been modified.

76. (New Claim). The antibody of Claim 75, wherein heavy chain residue 60 has been substituted with an amino acid residues selected from the group consisting of asparagine, glutamine, histidine, lysine and arginine.

77. (New Claim). The antibody of Claim 74, wherein heavy chain residue 61 has been modified.

78. (New Claim). The antibody of Claim 77, wherein residue 61 has been substituted with an amino acid residue selected from the group consisting of proline, glycine, alanine, valine, leucine and isoleucine.

REMARKS

Claims 1-57 were present in the application as filed herewith, however, Claims 2-57 were cancelled in the filing transmittal transmitted herewith. By this Preliminary Amendment, Applicants cancel Claim 1 and add new claims 58-78, thereby leaving Claims 58-78 pending for prosecution herein. Applicants also submit a revised specification to correct for various typographical errors and to submit formal drawings and the sequence listing. The revised specification, drawings and claims do not represent new matter. If it would assist the Examiner, Applicants further offer provide a red-lined or marked up copy in order to more precisely identity the changes made from the original specification. Pursuant to 37 C.F.R. §1.53(b)(1) and M.P.E.P. § 201.06(c), Applicants hereby submit a copy of the declaration executed in the parent application, U.S. Pat. No. 08/405,617.

The amendments to the specification include the priority information as well as the relation back to earlier applications, and to correct for typographical errors. Support for the change to the row corresponding to mutant 8a in column 3 of Table 9, which describes the changed residues, appears in column 4, which describes the purpose of the changes. The specification has also been changed in numerous places in order to correct for an error in the Kabat numbering of the light chain of CDR1.

The murine light chain CDR1 has four additional residues from the human CDR1. While the precise juxtaposition of this insert is clear, the Kabat numerical designation in the specification is in conflict. The conflict is between the designation of the insert as appearing between residues 30 and 31, or between residues 29 and 30. Table 8, which identifies the 4 residue identifies the insert between V_L residues 30 and 31, while Table 9 and various places in the text of the specification, identifies the 4 residue insert between V_L residues 29 and 30. Table 8 indicates that residues of the insert are "YDGD", while Table 9 indicates that the insertions occurring at 29a, 29c and 30 are "D".

Since the sequence of the donor murine light chain CD1 is KASQSVDYDGDSYMN, it follows that there are two conflicting designations for the residues adjacent to the insert in the light chain CDR1.

V	D	Y	D	G	D	S	Y...
29	29a	29b	29c	29d	30	31	32
29	30	30a	30b	30c	30d	31	32

While the specification has support for either designation, in light of the insert identified in Table 8, it is more internally consistent that the insert be designated to occur between residues 30 and 31. As a result, the specification has been revised accordingly.

Support for the use IgG1, IgG2, IgG3, IgG4 as recipient antibodies appears at least at page 39, lines 25-18. Support for variant anti-IgE antibodies, including those substituted at the specifically enumerated residues appears at least at page 5, lines 23-31, page 29, line 23 to page 30, line 22 and Example 4, pages 54-58. Support for substitution into MAE11v1 at light chain Kabat residues 13, 19, 58, 78, 104 and heavy chain Kabat residues 48, 49, 60, 61, 63, 67, 69, 82, 82c appears at least in Table 9 at page 55, specifically mutants 8, 8a, 8b and 9. Support for the particular amino acid substitutions appear at least at positions 60 and 61 appears at page 37, line 36 to page 38, line 7.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "**Version with markings to show changes made.**"

Applicants believe that this application is now in condition for immediate allowance and respectfully request that the outstanding objections **(if present)** and rejections be withdrawn and this case passed to issue.

The Examiner is invited to contact the undersigned at (650) 225-1489 in order to expedite the resolution of any remaining issues.

Respectfully submitted,
GENENTECH, INC.

By: _____
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Serial No. Not yet assigned
Filed: Herewith

VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the specification:

The existing title is being replaced with the amended title below:

--ANTI-IGE ANTIBODIES--

In the claims:

Claim 1 has been canceled.

New Claims 58-78 have been added.